

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REVIVE INVESTING LLC,	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	:
	: 20 Civ. 618 (ALC) (GWG)
FBC HOLDINGS S.A.R.I,	:
	:
Defendant.	:
	:
and	:
	:
SPHERE 3D CORP.,	:
	:
Nominal Defendant.	:
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Defendant argues that summary judgment is appropriate because of the existence of a settlement agreement reached among shareholders, the defendant and Sphere 3D Corp. purporting to settle the claims raised in the complaint (Docket # 34). As plaintiff has pointed out (Docket #40 at 6; Docket #46 at 9 n.23), defendant has failed to supply evidence that it actually paid the settlement agreement amount of \$300,000. Accordingly, it is hereby ORDERED that on or before December 18, 2020, defendant shall either (a) file an affidavit from someone with personal knowledge showing that the amount was paid, attaching documentary evidence as appropriate or (b) file a supplemental memorandum of law explaining the effect of its failure to pay the settlement amount. Should defendant file a memorandum of law on this topic, plaintiff may make a responsive filing on or before January 5, 2021.

SO ORDERED.

Dated: December 11, 2020
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge